



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SIXTH LEGISLATURE, 2012

ON THE FOLLOWING MEASURE:

H.B. NO. 2452, RELATING TO NOTARIES PUBLIC.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, January 31, 2012

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Shari Wong, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General strongly supports this measure.

The purpose of this bill is to clarify the information required to be on notary seals, and to increase the fee to become a notary public and renew a notary commission. Section 5-11-5(a), Hawaii Administrative Rules, requires every notary public to "obtain and keep an official seal of one type, either an engraved seal or a rubber stamp facsimile seal, on which shall be inscribed the name of the notary public, the commission number of the notary public, and the words 'notary public' and the 'State of Hawaii.'" Currently, sections 456-3 and 456-9, Hawaii Revised Statutes, require notaries to have an engraved seal or rubber stamp seal with the notary's name, "and the words 'notary public' and 'State of Hawaii.'" The proposed amendment of sections 456-3 and 456-9, will clarify that the commission number of the notary public is required on the notary public's stamp or seal.

Requiring that the notary's commission number be on the notary's seal or stamp will help deter fraudulent use of notary seals or stamps, because the commission number can be used to quickly ascertain whether the notary is properly commissioned in this State.

In addition, notarized documents are often copied numerous times. As a result, subsequent generations of the originals are blurry or difficult to read. Given the small size of notary stamps or seals, the names of the notaries public sometimes become difficult to read. Names are often similar. The additional identifying information of the commission number is unique and will assist in identifying the correct notary public.

In other instances, a notary public may marry or change the notary public's name. Because the commission number is unique, our office will be able to better track the notary public, regardless of any change in name.

Lastly, commission numbers are assigned to notaries public according to the year in which they are commissioned. Thus, the inclusion of this identifying number on a notary's stamp or seal may help locate that notary public's record books. Several other states such as California, Oregon, and New York similarly require the commission number on the notary's seal or stamp.

Regarding the fee increase, fees for notaries were last increased fourteen years ago in 1998, when they increased from \$35 to \$40. Over the years, the number of notaries has increased tremendously, largely due to the rising number of notaries employed with real estate companies, mortgage companies, title companies, financial institutions, and law firms. With this ever-growing number of notaries comes a likewise rising number of inquiries from employers, applicants, notaries themselves, and affected consumers. We receive thousands of inquiries and complaints each year, as well as time-consuming requests for copies of notary record books. The notary program is set up to be self-supporting. Thus, an increase in fees charged to notaries is necessary to cover the costs of the expanded workload.

Research of notary fees across the nation shows that Hawaii's fees are on the low side, whereas states such as New York (\$75) and California (\$92) are much higher.

We respectfully urge passage of this bill.